

AFFIDAVIT

I, Special Agent Jody S. Barboza, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and have been an ATF Agent since August 2003. I am currently assigned to the Charleston Field Office in South Carolina.
2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations and to make arrests for offenses enumerated in Titles 18, 21 and 26 United States Code. As an ATF SA, I have received training in federal firearms and narcotics laws and regulations at the ATF National Academy. I regularly refer to these laws and regulations during the course of my duties. I have received extensive training in federal firearms, explosives and narcotic laws, the identification and operation of firearms and criminal firearm investigations. I have conducted investigations regarding firearms trafficking, violations committed by federal firearm licensees (FFL’s), and those involving the unlawful manufacture, possession and transfer of firearms. I have participated in the use of cooperating informants, undercover agents, pen register/trap and trace devices, video surveillance, wiretaps, GPS tracking devices, and audio surveillance, among other law enforcement techniques, in the course of my career with ATF. Through my investigations, and my training and experience, I have become familiar with the tactics and methods used to illegally traffic, manufacture, transfer, and or possess firearms. Additionally, I have participated in numerous controlled buys of firearms and narcotics from targets of law enforcement investigations. Based on my training and experience, I am familiar with methods used for firearms trafficking and narcotics trafficking. I have conducted investigations into gang members, persons who commit crimes of violence, which include murder, assaults, and extortions, persons who deal in controlled substances, and persons who traffic in firearms and prohibited persons who possess firearms.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, investigators, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

PURPOSE OF THE AFFIDAVIT

4. I make this affidavit in support of an application to obtain a search warrant authorizing the collection of a DNA sample from Dakari Osiris AYISE, further described in Attachment

A, by collecting oral (buccal) swab samples according to the standard practices and procedures employed by the ATF for DNA testing. Based on my training and experience, I believe that the requested DNA sample may yield further evidence that AYISE engaged in federal crimes in violation of Title 18 U.S.C. Section 922 (g)(1).

5. As set forth herein, there is an ongoing federal investigation in the District of South Carolina by the ATF involving the possession of firearms by AYISE, who has been previously convicted of a felony. On July 11, 2020, AYISE was believed to have been in possession of firearms and ammunition in and around Beaufort County, South Carolina. The investigation into the possession of firearms by a prohibited person is ongoing.
6. The information upon which this affidavit is based includes information obtained by the affiant through investigation, interviews, observations, experience and/or conferring with other law enforcement officers. This affidavit is being submitted for the limited purpose of obtaining a search warrant for DNA evidence. I have not included every fact known to me and/or other law enforcement officers concerning this investigation.

SUMMARY OF INVESTIGATION

7. During the spring of 2021, ATF received information from Beaufort County Sheriff's Office (BCSO) regarding several incidents involving Dakari Osiris AYISE and AYISE's possession of firearms and ammunition in and around Beaufort County.
8. On July 11, 2020, a BCSO Deputy on patrol was notified by an off-duty BCSO Deputy that he had just seen Marquise Johnson, who was wanted by BCSO for questioning regarding an armed robbery, driving a white Dodge Charger. The on-duty BCSO Deputy located the white Dodge Charger on Trask Parkway in the area of Laurel Bay Road. While behind the Dodge Charger, the BCSO Deputy observed the white Dodge Charger make an improper left hand turn on Laurel Bay Road and initiated a traffic stop on the vehicle.
9. The BCSO Deputy approached the vehicle and immediately smelled marijuana coming from inside the vehicle. The BCSO Deputy requested identification from the driver who stated he did not have a driver's license. The BCSO Deputy asked the driver to exit the vehicle and the driver identified himself as Marquise Johnson. Johnson stated there was marijuana in the cup holder of the vehicle. The BCSO Deputy then asked the front seat passenger, identified as Janice Baker, and the rear passenger, identified as Dakari AYISE to exit the vehicle.
10. The BCSO Deputy then conducted a probable cause search of the vehicle and found a small clear bag of marijuana; a loaded Glock 22, .40 caliber pistol, serial number GSM955, with

extended magazine; a Glock .40 caliber magazine; a digital scale; a loaded Taurus G2C, 9mm pistol, serial number ABB306657; a loaded Taurus magazine; another clear bag of marijuana; a loaded Glock 23, .40 caliber pistol, serial number FZX902, with a 30 round magazine; and a stolen, loaded Smith & Wesson M&P 15, .556 rifle, serial number SU01928.

11. All three vehicle occupants were read their Miranda Rights. AYISE stated to BCSO Deputies that the Glock 22, .40 caliber pistol on the rear floorboard and the Smith & Wesson M&P 15 rifle belonged to him. AYISE stated that he bought the rifle for \$400 off the street.
12. The firearms recovered during the vehicle search were all processed for DNA and submitted to the BCSO Forensic Services Laboratory. The BCSO Forensic Services Laboratory had AYISE's DNA standard in their system from a 2017 case, which they used for comparison in this case. The laboratory report indicated the DNA swabbed from the Glock 22, .40 caliber pistol and the Smith & Wesson M&P 15 rifle was a match to AYISE's DNA.

CONCLUSION

13. Based on all the facts and circumstances described above, I believe probable cause exists that AYISE was in possession of the Glock 22, .40 caliber pistol, serial number GSM955, and Smith & Wesson M&P 15, .556 rifle, serial number SU01928, on July 11, 2020. Moreover, I believe that probable cause exists that the collection of a DNA (oral swab) sample from AYISE, when compared against the swab samples taken from the two firearms and ammunition, may yield further evidence that AYISE was in possession of these items in violation of Title 18 U.S.C. Section 922 (g)(1).
14. For the above reasons, I respectfully request that a search warrant authorizing ATF to search AYISE, as outlined in attachment "A" to the search warrant, be granted to collect DNA samples from him by obtaining oral swab samples using the standard procedures developed by ATF as described in attachment B.
15. This affidavit has been reviewed by Special Assistant United States Attorney Carra Henderson.

JODY BARBOZA
Digitally signed by JODY
BARBOZA
Date: 2022.01.04 11:37:21
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Jody S. Barboza, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 42(d)(3)
AS APPLICABLE

4th day of January , 2022.



Molly H. Cherry
UNITED STATES MAGISTRATE JUDGE